

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Initially, an Information Disclosure Statement (IDS) in conformity with requirements of 37 C.F.R. § 1.97-1.98 was filed on September 20, 2000. The references cited in the IDS have not yet been acknowledged or made of record by the Examiner. Accordingly, it is respectfully requested that the references cited in the IDS filed on September 20, 2000 be acknowledged. For convenience a copy of that filed IDS, and the date-stamped filing receipt indicating its filing, is attached hereto.

Claims 20-23 are pending in the present application, Claims 20-22 have been amended. Support for amendments to Claims 20-22 is found in the specification, for example, at page 88, lines 1-11. Thus, no new matter is added.

In the outstanding Office Action, Claim 20 was rejected under 35 U.S.C. §101; and Claims 20-23 were rejected under 35 U.S.C. §103(a) as unpatentable over Lenihan et al. (U.S. Patent No. 6,169,843, hereinafter Lenihan) in view of Hirabayashi et al. (U.S. Patent No. 6,002,834, hereinafter Hirabayashi).

With respect to the rejection of Claim 20 under 35 U.S.C. §101, Applicants respectfully submit that amended Claim 20 is directed toward statutory subject matter.

Applicants respectfully assert that MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Specifically, MPEP § 2106 provides that

a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Thus, Applicants respectfully assert that based on the clear language of this section amended Claim 20 is statutory. Specifically, Applicants respectfully assert that because the independent claim recites a computer-readable medium encoded with a data structure (i.e., an information medium configured to store a data structure, as recited in the Claim 23) and has been amended to recite the interaction of the data structure and management information with a recording/reproducing apparatus, which permits the functionality of the stream data to be realized. Thus, amended Claim 20 defines structural and functional interrelationships, and is therefore statutory.

Additionally, Applicants respectfully assert that MPEP § 2106 further requires that

Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Applicants respectfully request, for the above reasons, that the rejection of Claim 20 under 35 U.S.C. § 101 be withdrawn. However, if the rejection under 35 U.S.C. § 101 is maintained, Applicants respectfully request that the Examiner provide further explanation of the rejection in accordance with MPEP § 2106.

With respect to the rejection of Claim 20 under 35 U.S.C. §103(a) as unpatentable over Lenihan in view of Hirabayashi, Applicants respectfully submit that the amendments to Claim 20 overcome this ground of rejection. Amended Claim 20 recites, *inter alia*,

said management area includes table information indicating a relation between presentation timestamp information items and corresponding access points in the stream data, wherein recording locations of the presentation timestamp information items are configured to be different from those of the transport packets included in said stream data, and all said access points correspond to I-pictures of MPEG.

The outstanding Office Action acknowledges that Lenihan fails to disclose, a management area that includes table information indicating a relationship between

presentation time information and a corresponding access point in the stream data.¹ The outstanding Office Action relies on Hirabayashi to cure the deficiency in Lenihan. Applicants respectfully submit that Hirabayashi does not describe or suggest the claimed “table information.”

All sector addresses in Fig. 2 of Hirabayashi relate to time codes.² All sector addresses in Fig. 5 of Hirabayashi relate to I-pictures.³ The sector addresses in Fig. 2 are not the same as the sector addresses in Fig. 5. The sector addresses in Fig. 5 are only part of the sector addresses in Fig. 2. Thus, all time codes in Fig. 2 do not relate to I-pictures.

The application of the above-discussed teaching of Hirabayashi is that some presentation timestamp information items may relate to corresponding I-picture access points, but some other presentation timestamp information items may not relate to I-picture access points (i.e. not all access points correspond to I-pictures of MPEG). This means that a management area, as taught by Hirabayashi, would record bulky management information comprising not only table information for presentation timestamp information items and corresponding I-picture access points, but also additional table information for presentation timestamp information items and other access points being free of I-pictures.

Thus, even if Figs. 2 and 5 of Hirabayashi were combined to form a single table, this table would not describe or suggest the claimed “table information indicating a relation between presentation timestamp information items and corresponding access points...all access points correspond to I-pictures of MPEG.”

In view of the above-noted distinctions, Applicants respectfully submit that Claim 20 (and Claim 23) patentably distinguish over Lenihan and Hirabayashi, taken alone or in proper combination. Amended Claims 21 and 22 recite elements similar to those of Claim 20.

¹ Office Action, page 4, lines 3-7.

² Hirabayashi, Fig. 2 and Col. 3, lines 28-30.

³ Hirabayashi, Fig. 5 and Col. 4, lines 25-27.

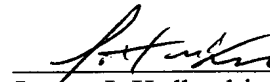
Application No. 09/666,129
Reply to Office Action of July 15, 2005

Thus, Applicants respectfully submit that Claims 21 and 22 patentably distinguish over Lenihan and Hirabayashi, taken alone or in proper combination, for at least the reasons stated for Claim 20.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Scott A. McKeown
Registration No. 42,866

JJK/SAM/JW/agm
I:\ATTYJW\197393US\197393US_AM DUE 10-15-05.DOC